

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:13-00261-02

TASHAEY MITCHELL JONES

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the trial and related dates in this matter. (Doc. No. 57). Defendant was arrested in the Western District of North Carolina on a bench warrant after she failed to appear at hearings on August 12, 2014, and August 25, 2014. Defendant was scheduled to enter a guilty plea on both those dates. Having been notified of defendant's pending arrival in this district, the court scheduled defendant's trial for September 29, 2014.

In support of defendant's motion, counsel for the defendant states that he needs additional time to consult with defendant. He has had no contact with her since July 25, 2014 and, given her nonappearance at her plea hearings, he is unsure if she still plans to plead guilty or wishes to proceed to trial. Furthermore, as of the filing of his motion, counsel was still unaware of the whereabouts of his client and has been unable to discuss these matters with her.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A),

and GRANTS defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant the continuance would deny counsel for the defendant the reasonable time necessary to effectively prepare for trial, taking into account the exercise of due diligence.

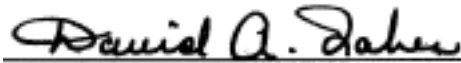
Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until October 9, 2014, at 9:30 a.m., in Bluefield; and
2. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of defendant's motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Office of this court.

IT IS SO ORDERED this 25th day of September, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge